

REMARKS

Claims 1-20 remain pending in this application for which applicants seek reconsideration.

Amendment

Claims 1, 2, 5, 7, 9, 11, 12, 15, and 19 have been amended to improve their form and clarity. Claims 2, 9, 12, and 19 have been placed in independent form. Independent claims 1 and 11 further have been amended to define that the circumference of the image carrier is detected in advance. No new matter has been introduced.

Allowable Claims

Claims 6, 9, 16, and 19 were indicated to be allowable if they are placed in independent form. Of these claims, only claims 9 and 19 have been placed in independent form. Allowable claims 6 and 16 now ultimately depend respectively from independent claims 2 and 12, which are also deemed allowable.

Claim Objection

The specification/claims were objected to because the claims contain terminologies that are inconsistent with those used in the specification or that the specification does not otherwise provide proper antecedent basis for the claimed terminologies. Applicants traverse this objection because the examiner appears to have predicated this objection based on the claim breath rather than on the requirements set forth in Rule 75(d)(1).

Rule 75(d)(1) states that “[t]he claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.” [Emphasis added]. The claims merely need to use language/terminologies that would allow one to ascertain their meaning vis-à-vis the specification. There is no requirement anywhere that the claims must use the same language/terminologies used in the specification.

Here, the basis for the examiner’s objection is that the claimed language can be broadly construed to read on different elements of the disclosed apparatus. Specifically, the examiner alleges that it is not clear whether the claimed “image carrier” corresponds to the disclosed intermediate transfer member or the photosensitive drum. The examiner is essentially objecting

to the claims based on their breadth rather than based on the ascertainability of the meaning of the claim language in question. See MPEP § 2173.04.

As presently claimed in claim 1, the “image carrier,” when read by itself without considering the other claim limitations, indeed can be construed to correspond to the intermediate transfer member or the photosensitive drum. There is nothing improper or unclear about such a limitation since the examiner can construe and ascertain what that limitation corresponds to. Moreover, the same claim further defines a primary transfer device that primarily transfers an image onto the image carrier, and a secondary transfer device that secondarily transfers the image on the image carrier onto a recording medium. These limitations taken together make it clear that the image carrier can correspond to the disclosed intermediate transfer member, while the primary transfer device can correspond to the photosensitive drum, and the secondary transfer device can correspond to the transfer roller, just as the examiner has construed.

Should the examiner wish to maintain the same objection, applicants request an interview in the presence of the examiner’s supervisor to expediently resolve this issue.

§ 112 Rejection

Claim 7 was rejected under 35 U.S.C. § 112, second paragraph, because the examiner believes that it improperly depends from claim 3. Claim 1 has been amended to clarify that the controller issues the first image writing reference position signal, the second image writing reference position signal, and selectively switches between the first and second image writing reference position signals. Claim 7 also has been amended to reflect the changes made in claim 1. Applicants submit that claim 7 properly depends from claim 3.

Art Rejection

Claims 1 and 11 were rejected under 35 U.S.C. § 102(b) as anticipated by Fuchiwaki (USP 6,263,174). Claims 2, 10, 12, and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Fuchiwaki in view of Yamada (USPGP 2004/0184827). Claims 3-5, 7, 13-15, and 17 were rejected under § 103(a) as unpatentable over Fuchiwaki in view of Yamada and Nozaki (USP 6,275,281). Claims 8 and 18 were rejected under § 103(a) as unpatentable over Fuchiwaki in view of Yamada, Nozaki, and Morita (USP 6,788,322).

Fuchiwaki discloses an image making unit 1 having an image carrier 2 that carries plural image carrying regions G1, G2 for carrying and transferring images onto a sheet 4. Fuchiwaki's device also includes an image making controller 3 for controlling the image making unit 1. The image making controller 3 includes a reference signal changing circuit 5 for changing a belt reference signal for each job. The belt reference signal determines the image writing position (G1, G2) on the image carrier 2. See column 3, lines 26-39.

Specifically, Fuchiwaki discloses selecting between a first belt reference signal-1 (associated with a first reference mark 911 detected by a mark sensor 92 (see column 10, lines 57-59)) and a second belt reference signal-2 (associated with a second reference mark 912 detected by the mark sensor 92 (see column 15, lines 9-12)). See the last full paragraph of column 12. Switching the first belt reference signal-1 to the second belt reference signal-2 switches the image carrying region on which image writing is first executed, namely from the image carrying region G1 to the image carrying regions G2. Fuchiwaki also discloses that instead of using two reference marks 911, 912, a single reference mark 91 (see Fig. 17) can be used to generate the first signal-1, while a timer can generate the second belt reference signal-2 based on the first belt reference signal-1. See column 16, lines 26-35.

As set forth in claims 1 and 11, the first image writing reference position signal is issued based on the circumference of the image carrier detected in advance rather than based on a detected reference mark. The start position for the first image formation is thus not fixed (by a position sensor) but can shift on the image carrier. In Fuchiwaki, the start position for the first image generation is fixed on the image carrier 2 because the first image generation is executed based on the detection of a reference mark. Fuchiwaki thus neither discloses nor suggests providing a belt reference signal based the circumference of its image carrier 2. Accordingly, applicants submit that claims 1 and 11 patentably distinguish over Fuchiwaki.

As to the § 103 rejections, applicants note that Yamada's U.S. effective filing date (January 30, 2004) comes after the priority date (February 7, 2003) of the present application. Applicants will shortly perfect priority by submitting a verified English translation of the priority application to overcome all § 103 rejections. Nozaki and Morita would not have alleviated the shortcomings of Fuchiwaki. Accordingly, applicants submit that all of the pending claims patentably distinguish over the applied references.

Conclusion

Applicants submit that claims 1-20 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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DATE

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REG. No. 34,079 (RULE 34, WHERE APPLICABLE)

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